

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED
CLERK

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GUILLERMO TORRES,

Plaintiff,

v.

ROBERT MORTON,
Superintendent,

Defendant.

-----X
AZRACK, United States District Judge:

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER
19-cv-278 (JMA)

Petitioner Guillermo Torres filed the instant habeas petition pursuant to 28 U.S.C. § 2241. The petition requested that Petitioner be produced before a federal judge for the final disposition of a detainer stemming from a violation of his federal supervised release. The petition is denied as moot because, on October 26, 2022, petitioner was sentenced by this Court on this violation of supervised release. See United States v. Torres, 12-cr-00787 (E.D.N.Y.).

Petitioner is currently under New York State parole supervision until July 2027. In one of his filings in the instant proceeding, Petitioner asserted that his counsel in state court provided ineffective assistance of counsel in connection with his decision to plead guilty to those state charges. To the extent Petitioner intended to assert ineffective assistance claims concerning his state court convictions, such claims would have to be dismissed without prejudice as the record does not indicate that Petitioner ever exhausted those claims in state court. Petitioner attempted to raise an ineffective assistance claim on his direct appeal, but the Appellate Division declined to review that claim because it could not be resolved without reference to matters outside the record. People v. Torres, 187 A.D.3d 802, 803, 130 N.Y.S.3d 336 (2020). Moreover, a § 2241 petition is not the proper vehicle to challenge Petitioner's state court convictions.

This petition is dismissed as moot. The Clerk of the Court is directed to close this case and to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: March 31, 2025
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE